IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 162 of 2006

Sekhar Chandra Joshi S/o Late Sri D.D. Joshi,
R/o Jawahar Lal Nehru Hospital Campus,
Kichha Road, Rudrapur,
District Udham Singh Nagar. …… Appellant

Versus

1. State of Uttaranchal through its Secretary,
   Medical Health and Family Welfare,
   Dehradun.
2. Director General of Medical Health and Family Welfare,
   Govt. of Uttaranchal,
   Dehradun.
3. Chief Medical Officer,
   Udham Singh Nagar.
4. District Leprosy Officer,
   Udham Singh Nagar / Assistant Director, Malaria,
   Kumaon Division, Rudrapur,
   District Udham Singh Nagar. …….. Respondents

Mr. Mangal Singh Chauhan, Advocate for the appellant.
Mr. N.B. Tewari, Addl. Advocate General / Chief Standing Counsel with Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Mangal Singh Chauhan, Advocate for the appellant.

Mr. N.B. Tewari, Addl. Advocate General/ Chief Standing Counsel with Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

They are heard on admission.

2. Appellant Sekhar Chandra Joshi has filed this Special Appeal against the impugned judgment dated 13.11.2006 passed in Writ Petition No. 1363 of 2006 (S/S).

3. Petitioner Sekhar Chandra Joshi filed the writ petition for the following relief's:

"i) Issue a writ order or direction in the nature of certiorari for quashing the impugned mala fide transfer orders dated 27.4.2005 and the subsequent orders dated 1.7.2005 and 13.3.2006 passed by the respondent No.2.

ii) Issue a writ order or direction in the nature of mandamus directing the Respondents to pay the pending dues of the petitioner since 1993 and the salary of the petitioner with effect from 10.7.2005 to till today along with 12 percent interest and other allowances admissible.

iii) Issue a writ order or direction in nature of mandamus directing the respondents to consider the promotion of the petitioner on the post of District Malaria Officer / Administrative Officer in pursuance of the repeated recommendation of the higher authority.

iv) Issue writ order or direction in any nature which this Hon'ble Court may deem fit and proper in the present circumstances of the case.

v) Award the cost of the petitioner to the petitioners."

4. The petitioner, is substance, was challenging the impugned orders dated 27.4.2005 and 01.07.2005, whereby the petitioner was transferred from Udham Singh Nagar to Chamoli and his representation was rejected.

5. On due consideration of the submissions of the learned counsel for the parties, we do not find any ground for interference in this Special Appeal filed by the appellant against the impugned judgment, whereby the learned Single Judge has declined to interfere in the matter of petitioner's transfer from Udham Singh Nagar to Chaomli.

6. The appeal, therefore, fails and is hereby dismissed summarily.

7. Consequently, CLMA No. 14458 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) 30.11.2006

(Rajeev Gupta, C.J.) 30.11.2006

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